

HOUSE BILL No. 1828

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-5-5.

Synopsis: Operating a vehicle while intoxicated. Makes it a Class B felony for a person to operate a motor vehicle while intoxicated and cause the death of another person.

Effective: July 1, 2003.

Bosma, Welch

January 23, 2003, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1828

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-5-5, AS AMENDED BY P.L.175-2001,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 5. (a) A person who causes the death of another
4 person when operating a motor vehicle:

5 (1) with an alcohol concentration equivalent to at least
6 eight-hundredths (0.08) gram of alcohol per:

7 (A) one hundred (100) milliliters of the person's blood; or

8 (B) two hundred ten (210) liters of the person's breath;

9 (2) with a controlled substance listed in schedule I or II of
10 IC 35-48-2 or its metabolite in the person's body; or

11 (3) while intoxicated;

12 commits a ~~Class C~~ **Class B** felony. ~~However, the offense is a Class B~~
13 ~~felony if, within the five (5) years preceding the commission of the~~
14 ~~offense, the person had a prior unrelated conviction under this chapter.~~

15 (b) A person who violates subsection (a) commits a separate offense
16 for each person whose death is caused by the violation of subsection
17 (a).



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1 (c) It is a defense under subsection (a)(2) that the accused person
2 consumed the controlled substance under a valid prescription or order
3 of a practitioner (as defined in IC 35-48-1) who acted in the course of
4 the practitioner's professional practice.

5 SECTION 2. [EFFECTIVE JULY 1, 2003] **IC 9-30-5-5, as**
6 **amended by this act, applies only to offenses committed after June**
7 **30, 2003.**

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